

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 18502, 18839**

(Jointly Administered)

**URGENT MOTION OF THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO FOR ENTRY OF ORDER GRANTING ZOOM  
VIDEOCONFERENCE LINE CREDENTIALS TO NATALIE JARESKO AND  
JAIME EL KOURY FOR THE CONFIRMATION HEARING  
ON NOVEMBER 15, 2021 AND NOVEMBER 17, 2021**

To the Honorable United States District Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Public Buildings Authority (“PBA”), and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Commonwealth and PBA, the “Debtors”) pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> respectfully submits this urgent motion (the “Urgent Motion”) for entry of an order providing the Oversight Board’s Executive Director, Natalie Jaresko, and its General Counsel, Jaime El Koury, with Zoom videoconference credentials for those sessions of the confirmation hearing for the *Modified Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.* (the “Confirmation Hearing”) to be held on Monday, November 15, 2021 and Wednesday, November 17, 2021.

### **Jurisdiction and Venue**

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA. Venue is proper pursuant to PROMESA § 307(a).

2. The statutory basis for the relief requested herein is section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9018, made applicable to these proceedings by PROMESA sections 301(a) and 310, and Local Rule 9018-1 of the Local Bankruptcy Rules for the District of Puerto Rico.

### **Background**

3. On October 14, 2021, the Court entered the *Order Regarding Procedures for Hearing on Confirmation of Plan of Adjustment* [ECF No. 18502] (the “Confirmation Hearing Procedures Order”).

4. In compliance with the Confirmation Hearing Procedures Order, the Oversight Board filed its *Informative Motion of Financial Oversight and Management Board Regarding Pretrial Conference and Confirmation Hearing* [ECF No. 18839] (the “Pretrial Informative”).

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<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101–2241.

Motion”). Through Exhibit B to the Pretrial Informative Motion, the Oversight Board disclosed, among other things, that Ms. Jaresko would appear as a fact witness for the Oversight Board. Ms. Jaresko was provided with Zoom credentials for her testimony on Wednesday, November 10, 2021. Mr. El Koury was not listed on the Oversight Board’s Pretrial Informative Motion, nor does he currently have credentials to access the Zoom videoconference for any date of the Confirmation Hearing.

5. On November 12, 2021, the Court issued its *Order Directing Supplemental Briefing and Oral Argument on Issues Pertaining to the Confirmation Hearing* [ECF No. 19171] (the “Supplemental Briefing Order”). In the Supplemental Briefing Order, the Court indicated that it would hear oral argument on November 15, 2021 and November 17, 2021 in relation to several issues relevant to the testimony of Ms. Jaresko, including representations made by Ms. Jaresko in her declaration [EFC No. 18729].

#### **Request for Relief**

6. The Oversight Board hereby respectfully (i) requests that the Court enter an order, substantially similar in form and substance to that attached herein as **Exhibit A** (the “Proposed Order”), granting this Urgent Motion, and (ii) inform their willingness to, if the Court grants the same, provide one email address associated with Ms. Jaresko and one email address associated with Mr. El Koury to [promesaregistration@prd.uscourts.gov](mailto:promesaregistration@prd.uscourts.gov) so that they may be granted access to the Confirmation Hearing to be held on November 15, 2021 and November 17, 2021.

#### **Basis for Relief**

7. In light of the fact that the Confirmation Hearing is being conducted remotely, and that issues to be discussed on November 15, 2021 and November 17, 2021 are relevant to the

testimony of Ms. Jaresko, the Oversight Board believes it necessary to provide video conference access to Ms. Jaresko and the Oversight Board's General Counsel, Mr. El Koury.

8. In light of the historic nature of this proceeding, such access will enable Ms. Jaresko and Mr. El Koury to observe and listen to the Confirmation Hearing. Providing credentials to Ms. Jaresko and Mr. El Koury will allow them to more carefully monitor the Confirmation Hearing, so as to facilitate the Oversight Board's complete and accurate presentation of the issues.

**Certification of Compliance with  
Local Rule 9013-1 and the Fifteenth Amended Case Management Procedures**

9. Pursuant to Paragraph I.H of the *Fifteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 17127-1] (the "Case Management Procedures"), the Oversight Board hereby certifies that it: (a) has carefully examined the matter and concluded that there is a true need for urgent relief; (b) has not created the urgency through any lack of due diligence on its part; (c) made a bona fide effort to resolve the matter without seeking leave of Court; and (d) made reasonable, good-faith communications with the Court's chambers staff in an attempt to resolve or narrow the issues being brought to the Court.

**WHEREFORE**, the Oversight Board requests the Court enter the Proposed Order and grant such other relief as is just and proper.

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Dated: November 13, 2021  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Herman D. Bauer

Hermann D. Bauer

USDC No. 215205

Carla García-Benítez

USDC No. 203708

Gabriel A. Miranda

USDC No. 306704

**O'NEILL & BORGES LLC**

250 Muñoz Rivera Ave., Suite 800

San Juan, PR 00918-1813

Tel: (787) 764-8181

Fax: (787) 753-8944

/s/ Margaret A. Dale

Martin J. Bienenstock (*pro hac vice*)

Brian S. Rosen (*pro hac vice*)

Margaret A. Dale (*pro hac vice*)

**PROSKAUER ROSE LLP**

Eleven Times Square

New York, NY 10036

Tel: (212) 969-3000

Fax: (212) 969-2900

*Attorneys for the Financial  
Oversight and Management Board  
for Puerto Rico, as representative for  
the Debtors*

**CERTIFICATE OF SERVICE**

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer  
Hermann D. Bauer

**Exhibit A**

**Proposed Order**

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 18502, 18839**

(Jointly Administered)

**ORDER GRANTING URGENT MOTION  
OF THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD  
FOR PUERTO RICO FOR ENTRY OF AN ORDER GRANTING ZOOM  
VIDEOCONFERENCE LINE CREDENTIALS TO NATALIE JARESKO AND  
JAIME EL KOURY FOR THE CONFIRMATION HEARING  
ON NOVEMBER 15, 2021 AND NOVEMBER 17, 2021**

Upon the *Urgent Motion of the Financial Oversight and Management Board for Puerto Rico for Entry of an Order Granting Zoom Videoconference Line Credentials to Natalie Jaresko and Jaime El Koury for the Confirmation Hearing on November 15, 2021 and November 17, 2021*

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).



(the “Urgent Motion”);<sup>2</sup> and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306; and it appearing that venue in this district is proper pursuant to PROMESA section 307; and the Court having found that the relief requested in the Urgent Motion is in the best interests of the Commonwealth; and the Court having found that the Debtor provided adequate and appropriate notice of the Urgent Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Urgent Motion; and the Court having determined that the factual bases set forth in the Urgent Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT**:

1. The Urgent Motion is granted as set forth herein.
2. The Oversight Board shall provide to the Court, at [promesaregistration@prd.uscourts.gov](mailto:promesaregistration@prd.uscourts.gov), one email address associated with Ms. Jaresko and one email address associated with Mr. El Koury as soon as practicable so that the Court can grant them each videoconferencing access to the Confirmation Hearing for November 15, 2021 and November 17, 2021.
3. Ms. Jaresko and Mr. El Koury will utilize such videoconferencing access in a manner consistent with the manner described in the Urgent Motion only.

Dated: \_\_\_\_\_, 2021

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HONORABLE LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings given to them in the Urgent Motion.